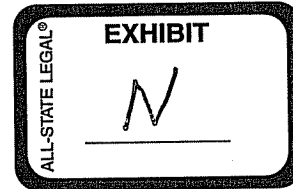


**EXHIBIT N**

**AFFIDAVIT OF WARDEN DeROSE**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RICHARD C. SMITH,  
Plaintiff**

**vs.**

**PRIMECARE MEDICAL, INC.,  
CARL A. HOFFMAN, JR., D.O.,  
THERESA M. HOFFMAN,  
JOSHUA D. LOCK,  
MARCY HOFFMAN-SCHLEGEL,  
FRANK KOMYKOSKI, and  
KNIGHTS OF VON DUKE, LTD.,  
Defendants**

**: No. 1:08-cv-1397  
: Civil Action – Law  
:  
:  
:  
: Chief Judge Kane  
:  
:  
: Jury Trial Demanded  
:  
:  
:**

**AFFIDAVIT OF WARDEN DOMINICK DeROSE**

I, Warden Dominick DeRose, do hereby swear that the following is true and correct to the best of my knowledge, information and belief:

1. I have served as warden for the Dauphin County Prison since 1991.
2. Part of my duties as warden include the day-to-day administration of the contract between Dauphin County and PrimeCare Medical pertaining to the medical services PrimeCare Medical is to provide for the inmates and detainees at Dauphin County Prison.

3. Pursuant to the contract that covered the years January 1, 2003 through December 31, 2008, PrimeCare Medical was to provide twenty (20) hours per week of psychiatric service to the inmates and detainees at Dauphin County Prison.

4. Dr. Enos Martin was the psychiatrist assigned by PrimeCare Medical to provide psychiatric service to Dauphin County Prison.

5. I work non-traditional hours at Dauphin County Prison. I saw Dr. Martin on weekends and holidays at the prison in addition to his regularly scheduled hours at the prison, which convinced me that he was providing the number of hours required by the contract. I never had any problem with Dr. Martin's hours or work performance.

6. Prior to re-newing the contract with PrimeCare Medical in 2008, I had my staff research times that Dr. Martin was present at Dauphin County Prison and completed a medical restrictions report pertaining to his work at our facility. Attached is a copy of the report my staff generated at my direction, which shows the dates and times that Dr. Martin completed a medical restrictions report. This confirmed my observations that Dr. Martin provided services during early morning hours, weekends, and holidays in addition to his regularly scheduled hours.


7. During his tenure as Vice President of Operations at PrimeCare Medical, Mr. Richard Smith never questioned me about Dr. Martin's hours, nor did he raise any issues regarding Dr. Martin's presence at Dauphin County Prison.

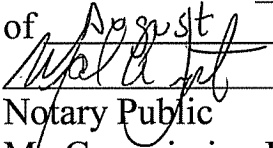
8. As far as I was concerned, Dr. Martin was performing all of the services required pursuant to the contract between PrimeCare Medical and Dauphin County.

9. During Mr. Richard Smith's tenure with PrimeCare Medical, I was aware of PrimeCare Medical's difficulties keeping medical staff positions filled, which included the nurse supervisor position. Staffing was always a topic at our monthly prison staff meetings that included senior staff of Dauphin County Prison and PrimeCare Medical. Staffing was also discussed at the quarterly meetings between prison officials and PrimeCare Medical regarding PrimeCare Medical's services at the prison. In my experience, either Tom Toolan or other PrimeCare Medical employees would cover any vacant shift.

10. I was fully aware of PrimeCare Medical's staffing issues and certainly never considered PrimeCare to be acting in a fraudulent manner or wasting Dauphin County resources.

11. During his tenure as Vice President of Operations at PrimeCare Medical, Mr. Richard Smith never discussed with me, or expressed the view, that any staffing vacancies at Dauphin County Prison constituted waste or wrongdoing.

  
Warden Dominick DeRose

Sworn to and subscribed  
before me this 25<sup>th</sup> day  
of August, 2009.  
  
Notary Public  
My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Mark A. Templeton, Notary Public  
Swatara Twp., Dauphin County  
My Commission Expires April 28, 2012  
Member, Pennsylvania Association of Notaries

179478.1

## Doctor Martin Time Logs

Page 1 of 6

JANUARY 2007				
DAY	TIME			
Monday, 1	0215	0235	1315	
Tuesday, 2				
Wednesday, 3				
Thursday, 4				
Friday, 5				
Saturday, 6				
Sunday, 7				
Monday, 8				
Tuesday, 9				
Wednesday, 10				
Thursday, 11	1205			
Friday, 12	0521	1045		
Saturday, 13	0910	1555		
Sunday, 14				
Monday, 15				
Tuesday, 16	2000			
Wednesday, 17	0300	0305		
Thursday, 18				
Friday, 19	1145	2120		
Saturday, 20				
Sunday, 21	0715	2350		
Monday, 22	0530			
Tuesday, 23	0130			
Wednesday, 24	2030			
Thursday, 25				
Friday, 26				
Saturday, 27	0230	0300	1615	2300
Sunday, 28				
Monday, 29				
Tuesday, 30				
Wednesday, 31				

FEBUARY 2007				
DAY	TIME			
Thursday, 1	0515			
Friday, 2	0100	1125	2315	
Saturday, 3	0800			
Sunday, 4	1950			
Monday, 5				
Tuesday, 6	0220	2003		
Wednesday, 7				
Thursday, 8	2055			
Friday, 9				
Saturday, 10	0100			
Sunday, 11				
Monday, 12				
Tuesday, 13				
Wednesday, 14	1942			
Thursday, 15				
Friday, 16	1335			
Saturday, 17	1315	1345		
Sunday, 18	1845			
Monday, 19				
Tuesday, 20				
Wednesday, 21				
Thursday, 22				
Friday, 23	2135			
Saturday, 24				
Sunday, 25				
Monday, 26	1945	2045		
Tuesday, 27				
Wednesday, 28				

MARCH 2007				
DAY	TIME			
Thursday, 1				
Friday, 2				
Saturday, 3	1025	1225	1255	
Sunday, 4				
Monday, 5				
Tuesday, 6	1730			
Wednesday, 7				
Thursday, 8				
Friday, 9	0030	0230	0745	0950
Saturday, 10				
Sunday, 11				
Monday, 12				
Tuesday, 13	1745	1845		
Wednesday, 14	0200	1215		
Thursday, 15	2200			
Friday, 16				
Saturday, 17				
Sunday, 18	1200			
Monday, 19				
Tuesday, 20	1800	2350		
Wednesday, 21	1350			
Thursday, 22				
Friday, 23				
Saturday, 24				
Sunday, 25	1115			
Monday, 26	1940			
Tuesday, 27				
Wednesday, 28				
Thursday, 29				
Friday, 30	0515			
Saturday, 31				

APRIL 2007				
DAY	TIME			
Sunday, 1	0100	1355	1500	
Monday, 2	0055			
Tuesday, 3	1940			
Wednesday, 4				
Thursday, 5				
Friday, 6				
Saturday, 7	1355			
Sunday, 8	1735			
Monday, 9	0600	1820	1820	1850
Tuesday, 10	1445			
Wednesday, 11				
Thursday, 12	1015	1430	1945	
Friday, 13	2130			
Saturday, 14	1120	1215	1830	2300
Sunday, 15				
Monday, 16	1600	1600	1615	
Tuesday, 17	1945			
Wednesday, 18				
Thursday, 19	0925			
Friday, 20	1335	1435		
Saturday, 21				
Sunday, 22				
Monday, 23				
Tuesday, 24	0005	2245		
Wednesday, 25				
Thursday, 26	1900			
Friday, 27				
Saturday, 28	0900			
Sunday, 29				
Monday, 30				

## Doctor Martin Time Logs

Page 3 of 6

MAY 2007				
DAY	TIME			
Tuesday, 1	0600	1430		
Wednesday, 2	0200	1730	2115	
Thursday, 3	1135	1545		
Friday, 4	1115			
Saturday, 5				
Sunday, 6				
Monday, 7	1600			
Tuesday, 8	1405	1650		
Wednesday, 9				
Thursday, 10	0440	0715	1410	1530
Friday, 11	0205			
Saturday, 12	1045			
Sunday, 13				
Monday, 14				
Tuesday, 15	0217			
Wednesday, 16				
Thursday, 17	1830			
Friday, 18	1330			
Saturday, 19				
Sunday, 20				
Monday, 21	1500			
Tuesday, 22	1300	1630	1845	
Wednesday, 23	0545			
Thursday, 24				
Friday, 25	1445			
Saturday, 26	2112			
Sunday, 27				
<b>Monday, 28</b>	1730			
Tuesday, 29	0135			
Wednesday, 30	1325	1530	1530	1600
Thursday, 31				

JUNE 2007				
DAY	TIME			
Friday, 1	2000			
Saturday, 2				
Sunday, 3				
Monday, 4	1410			
Tuesday, 5				
Wednesday, 6	1545			
Thursday, 7	1020	1940		
Friday, 8				
Saturday, 9	2335			
Sunday, 10				
Monday, 11	1325			
Tuesday, 12	1900			
Wednesday, 13				
Thursday, 14	1845	2120		
Friday, 15	1200	1735		
Saturday, 16	2005			
Sunday, 17	2325			
Monday, 18				
Tuesday, 19	1700			
Wednesday, 20				
Thursday, 21	0125			
Friday, 22	0450	1720	1900	2040
Saturday, 23	1515			
Sunday, 24	0950			
Monday, 25				
Tuesday, 26	0100	1845	2000	
Wednesday, 27	0520	1440	2200	
Thursday, 28				
Friday, 29				
Saturday, 30				



<b>JULY 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Sunday, 1	0530	0755	0930	
Monday, 2	1840			
Tuesday, 3	1730	2259		
<b>Wednesday, 4</b>	0955	1930		
Thursday, 5	1430			
Friday, 6	1000	1025	1200	1540
Saturday, 7				
Sunday, 8	1400			
Monday, 9				
Tuesday, 10	0005	1305		
Wednesday, 11	1945			
Thursday, 12	0220			
Friday, 13	1715	1730		
Saturday, 14				
Sunday, 15	2200			
Monday, 16	0530	1530	1530	
Tuesday, 17	1935	1935	2252	
Wednesday, 18	0307	1155	1200	
Thursday, 19	0510	1055	1055	
Friday, 20				
Saturday, 21	0030	0030	0715	0715
Sunday, 22	0243	1500	1500	
Monday, 23	2030			
Tuesday, 24				
Wednesday, 25	0210			
Thursday, 26	0001	1620		
Friday, 27				
Saturday, 28	2330			
Sunday, 29				
Monday, 30	0325	1310	1645	1840
Tuesday, 31	1300			

<b>AUGUST 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Wednesday, 1	0830	1830	1830	2342
Thursday, 2	1800			
Friday, 3				
Saturday, 4	0515	0850		
Sunday, 5	0935			
Monday, 6	1500			
Tuesday, 7	1700			
Wednesday, 8	1915	2115		
Thursday, 9	0020	1730		
Friday, 10	1210	1210		
Saturday, 11	2010			
Sunday, 12	2100			
Monday, 13				
Tuesday, 14	0530	1300	1600	1720
Wednesday, 15	1830	1940		
Thursday, 16				
Friday, 17				
Saturday, 18				
Sunday, 19				
Monday, 20				
Tuesday, 21	0240			
Wednesday, 22	1200	1220		
Thursday, 23	0300	1845		
Friday, 24	1525			
Saturday, 25				
Sunday, 26	0945			
Monday, 27	1815			
Tuesday, 28	0320	0415		
Wednesday, 29				
Thursday, 30	0310			
Friday, 31				

<b>SEPTEMBER 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Saturday, 1				
Sunday, 2				
<b>Monday, 3</b>				
Tuesday, 4	1120	1955	2030	
Wednesday, 5	1530			
Thursday, 6	1610			
Friday, 7	2000			
Saturday, 8				
Sunday, 9				
Monday, 10	1315			
Tuesday, 11				
Wednesday, 12	1245	1300	1330	1820
Thursday, 13	1635			
Friday, 14				
Saturday, 15				
Sunday, 16				
Monday, 17				
Tuesday, 18	1715			
Wednesday, 19	1600			
Thursday, 20				
Friday, 21				
Saturday, 22				
Sunday, 23				
Monday, 24				
Tuesday, 25	1700			
Wednesday, 26	1430	2130		
Thursday, 27				
Friday, 28	1530			
Saturday, 29				
Sunday, 30				

<b>OCTOBER 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Monday, 1	1900			
Tuesday, 2	2030			
Wednesday, 3				
Thursday, 4				
Friday, 5	1530			
Saturday, 6				
Sunday, 7	2120			
Monday, 8				
Tuesday, 9	1245			
Wednesday, 10	0445			
Thursday, 11				
Friday, 12				
Saturday, 13	1335			
Sunday, 14				
Monday, 15	0100			
Tuesday, 16	1735			
Wednesday, 17	0255	1855	1855	
Thursday, 18	2145			
Friday, 19				
Saturday, 20				
Sunday, 21				
Monday, 22	1250	1955		
Tuesday, 23	1025			
Wednesday, 24	0930			
Thursday, 25				
Friday, 26	1900			
Saturday, 27				
Sunday, 28				
Monday, 29	1930			
Tuesday, 30	2000	2145		
Wednesday, 31				

<b>NOVEMBER 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Thursday, 1	0600	0610	1910	1930
Friday, 2	2150			
Saturday, 3	2000			
Sunday, 4	2340			
Monday, 5	0440	1100	1300	1315
	2355			
Tuesday, 6	1900	1900		
Wednesday, 7	1545			
Thursday, 8	0550	1535	1910	
Friday, 9				
Saturday, 10				
<b>Sunday, 11</b>				
Monday, 12				
Tuesday, 13				
Wednesday, 14	0100			
Thursday, 15	2030			
Friday, 16				
Saturday, 17	0030			
Sunday, 18	1630			
Monday, 19	1635			
Tuesday, 20				
Wednesday, 21				
<b>Thursday, 22</b>	0100	0900	0930	
Friday, 23				
Saturday, 24				
Sunday, 25				
Monday, 26	1345			
Tuesday, 27	1830	1900		
Wednesday, 28				
Thursday, 29	0505	1115	1700	1845
	1910			
Friday, 30	1825			

<b>DECEMBER 2007</b>				
<b>DAY</b>	<b>TIME</b>			
Saturday, 1				
Sunday, 2				
Monday, 3				
Tuesday, 4	1515	1930	2130	
Wednesday, 5	0540	2215		
Thursday, 6	1051			
Friday, 7				
Saturday, 8				
Sunday, 9	1955	2050		
Monday, 10				
Tuesday, 11	0600	1735	1930	
Wednesday, 12	0515			
Thursday, 13				
Friday, 14				
Saturday, 15	0530			
Sunday, 16				
Monday, 17	1210			
Tuesday, 18	2100			
Wednesday, 19	1930			
Thursday, 20	2325			
Friday, 21				
Saturday, 22				
Sunday, 23				
Monday, 24				
<b>Tuesday, 25</b>	1830	2345		
Wednesday, 26	0428	0930		
Thursday, 27				
Friday, 28	2200			
Saturday, 29				
Sunday, 30	0025			
Monday, 31				